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December 18, 2007

By Hand & ECF

Honorable Richard J. Sullivan, USDJ
United States District Court
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007

Re: Botkier, Inc. v. Costco Wholesale Corp., et al.
07 CV 11043 (RJS/AJP)

Dear Honorable Judge Sullivan:

As Your Honor is aware, this firm represents Botkier, Inc. in the above-referenced matter.

Plaintiff wishes to advise the Court that, in view of recent disclosures made by defendant Costco Wholesale Corporation, it hereby withdraws its pending Motion for Preliminary Injunction with Temporary Restraints without prejudice.

Specifically, plaintiff's withdrawal is predicated upon defendant's representation at the December 10th hearing that the number of BOTKIER® handbags still at issue is in the single digits and, more recently, that only two (2) subject handbags remain at any of defendant's locations. Accordingly, plaintiff concurs with defendant's assertions at the December 10th hearing that, based on the current record, the degree to which irreparable injury exists does not now warrant a preliminary injunction motion or expedited discovery. Therefore, as defendant further suggested, we agree that standard discovery is appropriate.

Respectfully submitted,

Bjorn J. Holubar /s/

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